



PUBLIC HEARING AGENDA

**MODIFIED
BOARD OF ADJUSTMENT
W E D N E S D A Y
SEPTEMBER 22, 2004
(7:00 PM)
(COUNCIL CHAMBERS – 31 EAST FIFTH STREET)**

The City of Tempe endeavors to make all public hearings accessible to persons with disabilities. With 48 hours advance notice, special assistance is available at public hearings for sight and/or hearing-impaired persons. Please call 350-8331 (voice) or 350-8400 (TDD) to request an accommodation to participate in a public hearing.

- **Monthly Board Dinner, 5:30 – 6:30 PM.** Located at the Development Services Department Conference Room (southeast corner of the garden level), 31 East Fifth Street.
- **Pre-Session – begins at 6:15 PM** – Development Services Conference Room. The Board of Adjustment reserves this time to discuss informally any item(s) appearing on the Regular Hearing Agenda, including questions/answers. Only procedural decisions will be made in the Pre-Session.
 - Review of proposed Consent Agenda
 - Review of discussion and continued items for Board clarification.

AGENDA

Consideration of Hearing Minutes: (August 25, 2004)

1. **BA040116** Request by the **BARRIENTOS RESIDENCE** for the following to allow a home addition located at 1012 South Price Road in the R1-6, Single Family Residential District:
 - a. Variance to reduce the rear yard setback from 15 feet to 13 feet.
 - b. Variance to reduce the south side yard setback from 7 feet to 3 feet 1 inch.

2. **BA040122** Request by the **HAASE RESIDENCE** for the following located at 2504 South Grandview Avenue in the R1-10, Single Family Residential District:
 - a. Variance to reduce the south side yard setback from 10 feet to 3 feet to allow a new patio cover.
 - b. Variance to reduce the setback for an eave from 3 feet to 2 feet 6 inches.

(CONT FROM JULY 28, 2004 BOARD OF ADJUSTMENT)
(CONT FROM AUGUST 25, 2004 BOARD OF ADJUSTMENT)
3. **BA040141** Request by **LEWIS RESIDENCE** for the following located at 1057 East El Freda Road in the AG, Agricultural District:
 - a. Use permit to allow a second story addition.
 - b. Use permit to expand a non-conforming building by 41%.
(Note: This use permit will allow the expansion of the building along the east property line at the non-conforming setback of ~~7 feet 4 inch~~ **9 feet 6 inches**.) **CORRECTED BY STAFF**
 - c. Variance to reduce the west side yard setback from 20 feet to 15 feet.
 - d. Variance to reduce the front yard setback from 40 feet to 12 feet.

(CONT FROM AUGUST 25, 2004 BOARD OF ADJUSTMENT)
4. **BA040145** Request by **NINETY DAY LOANS** for a use permit to allow a short term loan facility (pawn broker licensed) for boats, R.V.'s and automobiles located at 1725 West 3rd Street in the I-1, Light Industrial and Rio Salado Overlay Districts.

(CONTINUED FROM AUGUST 17, 2004 HEARING OFFICER)
(CONTINUED FROM SEPTEMBER 7, 2004 HEARING OFFICER)
5. **BA040147** Request by the **VINE TAVERN** for a use permit to allow a conversion of a restaurant to a restaurant/bar with a class 6 liquor license located at 801 East Apache Blvd in the C-2, General Commercial District.

(CONT FROM AUGUST 25, 2004 BOARD OF ADJUSTMENT)
6. **BA040150** Request by the **SOSNOWSKI RESIDENCE** for the following located at 406 West 14th Street in the R1-6, Single Family Residential District:
 - a. Variance to reduce the required front yard setback from 25 feet to ~~5~~ **20** feet for a 10 feet 8 inch structural support wall.
CORRECTED BY STAFF
 - b. Variance to increase the maximum allowable wall height from 4 feet to 8 feet in the front yard setback.

(CONT FROM AUGUST 25, 2004 BOARD OF ADJUSTMENT)

7. **BA040153** Appeal of the Zoning Administrator's opinion by the **ZIMMERMAN RESIDENCE** located at 7437 South Rita Lane in the R1-6, Single Family Residential District that the proposed accessory building exceeds the provisions of Zoning Ordinance No. 808, Chapter 3, Section 2-302 which defines 'dwelling' and which limits one dwelling unit per single family lot.
(CONT FROM AUGUST 25, 2004 BOARD OF ADJUSTMENT)
APPLICANT WITHDREW
8. **BA040155** Request by **THE LAKES - THE BOATHOUSE** for a use permit to allow live entertainment on the patio located at 5394 South Lakeshore Drive in the PCC-1, Planned Commercial Center District.
(CONT FROM SEPTEMBER 7, 2004 HEARING OFFICER)
9. **BA040168** Request by the **BENTZ RESIDENCE** for the following to allow a home addition located at 1043 East Magdalena Drive in the R1-6, Single Family Residential District:
 - a. Variance to reduce on site driveway from 20 feet to 17 feet.
 - b. Variance to reduce the front yard setback from 25 feet to 17 feet.
10. **BA040173** Request by the **GERG RESIDENCE** for the following located at 1228 East Marny Road in the R1-6, Single Family Residential District:
 - a. Variance to reduce the front side yard setback from 25 feet to 24 feet for a garage.
 - b. Variance to reduce the east side yard setback from 7 feet to 2 feet 10 inches for a garage.
11. **BA040176** Request by **AUTO AND RV OUTLET d.b.a. THE AUTO OUTLET OF ARIZONA INC.** for a variance to waive all Zoning Ordinance 808, Part 3, Chapter 5, on-site lighting requirements located at 2165 East Apache Boulevard in the C-2, General Commercial District.
12. **BA040177** Request by the **MCCLEES RESIDENCE** for a variance to reduce the front yard setback from 25 feet to 18 feet to allow covered front porch located at 432 East Pierce Street in the R1-6, Single Family Residential District. **MODIFIED BY STAFF**
13. **BA040179** Request by **PATTERSON DENTAL** for a variance to reduce the required number of parking spaces from 35 to 20 located at 601 South Madison Drive in the I-2, General Industrial District.

Advertised Agenda 9/1/04; 1:30 PM

Modified Agenda, 9/8/04, 9:00 AM to correct Item No. 5.

Modified Agenda, 9/8/04, 1:00 PM to include continued cases.

Staff correction made to Item #3 - BA040141 & Item #7 – BA040153 withdrawn,
9/15/04, 1:00 PM